IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21599 of 2004

Between:

V. Nageswara Rao, S/o. Pitchaiah,
Mundlamur Village & Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Mundlamur Mandal, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 2nd respondent issued in his proceedings in Rc.F/2122/2004 dated 17-11-2004 suspending the regular dealership authorization of the petitioner of Fair Price Shop of Mundlamur Village and Mandal, Prakasam District, and consequential inaction of the 1st respondent in not disposing of the stay petition and appeal of the petitioner on his file, filed against the order of the 2nd respondent dated 17-11-2004 as arbitrary, malafide illegal, improper, unconstitutional and against the right of appeal and consequently set-aside the orders in RC.F/2122/2004 dated 17-11-2004 issued by the 2nd respondent thereby enabling the petitioner to continue as permanent fair price shop dealer of Mundlamuru Village and Mandal, Prakasam District,

Counsel for the Petitioner : MR.RAJANIKANTH JWALA

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The petitioner is said to have been appointed as a Fair Price Shop Dealer for Mundlamur Village and Mandal, in the year 1990, under the category of physically handicapped persons. His authorization was suspended through proceedings, dated 17.11.2004, passed by the 2nd respondent. The basis for suspension is that he has failed to submit the registers and coupons in spite of repeated requests. Petitioner claims to have preferred an appeal against the order of suspension before the Joint Collector together with an application for grant of stay, and alleges that no orders have been passed so far.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner has availed the remedy of appeal, against the order of suspension passed by the 2nd respondent. He also submitted an application for grant of stay. It is true that the 1st respondent is not a regular Court, and it cannot be expected of him to pass orders on application or appeal instantly. However, if the delay in passing the orders is likely to cause prejudice to the parties, necessary steps need to be taken without loss of time.

The main allegation against the petitioner is that he failed to submit the records. Learned counsel for the petitioner submits that unless the records for previous month are furnished, the authorities would not release the quota for subsequent month. One fact, which weighs with this Court, is that the concerned authority has already allotted the essential commodities for the Village, in favour of the petitioner, through proceedings, dated 16.11.2004. The petitioner has already paid the cost of the commodities. The allegation is only that there is a possibility for the petitioner to divert the commodities, and it was not even alleged that he has resorted to such activities.

Hence, the writ petition is disposed of directing the 1st respondent to pass appropriate orders in the appeal or the stay application, as the case may be, as

expeditiously as possible, and till such an order is passed, the proceedings dated 17.11.2004, issued by the 2nd respondent, shall be inoperative. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 25th November, 2004

Note: Operative portion by

Wire at party's cost.

(B/o.)

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To

1 The Joint Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Mundlamur Mandal, Prakasam District.

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad.(OUT)

5 Two C.D. copies.